

FILED

AO 91 (Rev. 11/11) Criminal Complaint

MAY - 7 2020

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY

United States of America )

v. )

Roland GUSTAMANTE )

Case No. 5:20-MJ-643*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2018 until May 2020 in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. Section 841 (a)(1)	Possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine
21 U.S.C. Section 841 (b)(1)(A)(viii)	Conspiracy to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine
21 U.S.C. Section 846	
18 U.S.C. Section 1956	Laundering of monetary instruments

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Luis De La Cruz, Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 05/06/2020*Judge's signature*City and state: San Antonio, Texas

Fred Biery, U.S. District Judge

*Printed name and title*

I, Luis De La Cruz, Special Agent, Drug Enforcement Administration, San Antonio, Texas, being duly sworn, depose and state as follows:

I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code (USC), Section 2510 (7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

I am currently a Special Agent with the Drug Enforcement Administration (DEA), United States Department of Justice. I have been employed by the Drug Enforcement Administration for approximately fourteen (14) years. I am presently assigned to the San Antonio District Office of the DEA, and specifically the High Intensity Drug Task Force (HIDTA). My present duties include the investigation of violations of the federal narcotics and money laundering laws by large-scale criminal organizations within the Western District of Texas.

The WDTX began investigating Israel FERNANDEZ-Vasquez in late 2018, when CS-18-158941<sup>1</sup> (hereinafter "CS") stated FERNANDEZ-Vasquez is a leader of a sophisticated drug trafficking operation based in Mexico, whose efficacy is built upon a complex network of contacts comprised of coordinators, distributors, and clients still operating in the San Antonio, Texas, area, since FERNANDEZ-Vasquez's deportation in May 2018.

The FERNANDEZ-Vasquez DTO has been known to law enforcement since October 2018 as an active drug trafficking organization. At that time, the CS provided critical intelligence to investigators regarding the drug trafficking activities of the FERNANDEZ-Vasquez organization based in Monterrey, Nuevo Leon, Mexico. Intelligence provided by the CS indicated that FERNANDEZ-Vasquez was a long-standing Mexican narcotics trafficker overseeing the transportation and distribution of large quantities of cocaine, heroin, and methamphetamine into the US, specifically into the San Antonio metropolitan area. The CS stated that he/she had been incarcerated with FERNANDEZ-Vasquez prior to the deportation of FERNANDEZ Vasquez to Mexico in May 2018. The CS further stated that FERNANDEZ-Vasquez was living in the states of Nuevo Leon and Tamaulipas, Mexico and that he was a member of the Cartel de Noreste (CDN). Based on information provided and confirmed by DEA Laredo, investigators determined that FERNANDEZ-Vasquez and his brothers continue to utilize the San Antonio area as a primary domestic point of operation. Based on the extensive information provided by the CS and DEA Laredo, investigators began and in-depth investigation into the FERNANDEZ Vasquez organization.

The CS has been in contact with FERNANDEZ-Vasquez since October 2018. The CS was able to contact FERNANDEZ-Vasquez and negotiate the purchase of one (1) pound of methamphetamine from an associate of FERNANDEZ-Vasquez based in the area of San Antonio, Texas, later identified as Roland GUSTAMANTE. The CS was shown a photographic lineup and he/she positively identified GUSTAMANTE as the person he/she knows as ROLO.

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<sup>1</sup> The CS met FERNANDEZ-Vasquez while in prison. CS stated that FERNANDEZ-Vasquez was deported after completing his sentence and is now living in Monterrey, Nuevo Leon, Mexico. CS explained that FERNANDEZ-Vasquez was a member of the Los Zetas Cartel when he was arrested, does not know what group he is working for now.

According to the CS, FERNANDEZ-Vasquez provided the CS's telephone number to GUSTAMANTE, and then GUSTAMANTE contacted the CS on behalf of FERNANDEZ-Vasquez. The CS stated that the phone number GUSTAMANTE utilized to contact him/her was the same one GUSTAMANTE utilized on October 4, 2018, the day of the controlled buy; and that the phone number was 210-906-6326. According to the CS, GUSTAMANTE introduced himself as ROLO on the telephone call he/she received from GUSTAMANTE. Furthermore, the CS said he/she had met GUSTAMANTE on two or three different occasions prior to the controlled buy on October 4, 2018. According to the CS, the first time he/she met GUSTAMANTE, the CS was contacted by FERNANDEZ-Vasquez, and FERNANDEZ-Vasquez asked the CS for some help; FERNANDEZ-Vasquez said that he needed some chop saw drills and he sent the CS some money to purchase the equipment. The CS stated that GUSTAMANTE was the person who delivered the money to the CS, on behalf of FERNANDEZ-Vasquez. According to the CS, GUSTAMANTE was driving a white in color sedan when he met the CS at Mario's Grocery Store located at 2902 Guadalupe Street, San Antonio, TX. The CS stated that the second time he/she saw GUSTAMANTE was when the CS contacted FERNANDEZ-Vasquez and asked for a personal amount of cocaine and methamphetamine. The CS stated that FERNANDEZ-Vasquez sent GUSTAMANTE to deliver the illegal narcotics to the CS. According to the CS he/she spoke to GUSTAMANTE via a WhatsApp telephone call. According to the CS, GUSTAMANTE would use WhatsApp with the CS most of the time. Analysis of GUSTAMANTE's phone number, 210-906-6326, shows only one telephone call between the CS and GUSTAMANTE on October 3, 2018. The absence of standard telephone contact confirms that most of the conversations between GUSTAMANTE and the CS occurred over a separate messaging application such as WhatsApp. The CS then stated that the third time he/she met with GUSTAMANTE was after he/she contacted FERNANDEZ-Vasquez to say that he/she was going through a hard time and needed some money, and FERNANDEZ-Vasquez sent the CS approximately two hundred (\$200.00) dollars. The CS stated that he/she was again called by GUSTAMANTE via WhatsApp, and GUSTAMANTE delivered the money to the CS.

The CS stated that on October 4, 2018, the day of the controlled buy, he/she was speaking to GUSTAMANTE via WhatsApp to coordinate the delivery/sale of the one (1) pound of methamphetamine. On October 4, 2018, an undercover officer, along with the CS, purchased the one (1) pound of methamphetamine from GUSTAMANTE. GUSTAMANTE sent another associate to the Wal-Mart parking lot located at 1515 S Ellison Drive, San Antonio, Texas, to collect the payment of \$3,200.00. The CS was communicating directly with GUSTAMANTE, who was then instructing his associate where to deliver the one (1) pound of methamphetamine. The one (1) pound of methamphetamine was field tested, and it tested positive for methamphetamine. The methamphetamine weighed approximately 541.7 grams and after being analyzed by the DEA Laboratory, the net weight was 495 grams with a 90% purity. The CS stated all the conversations with GUSTAMANTE were via WhatsApp. The CS stated that there were both calls and messages via WhatsApp on October 4, 2018, the day of the controlled buy between the CS and GUSTAMANTE. According to the CS, GUSTAMANTE was in charge of the distribution of illegal narcotics in the San Antonio, Texas, area for FERNANDEZ-Vasquez. The phone calls were not recorded, and agents did not retrieve the WhatsApp messages.

On October 15, 2018, United States Magistrate Judge Henry J. Bemporad approved a Cellular Telephone Tracking Warrant for telephone number (210) 906-6326 which was being utilized by GUSTAMANTE the day of the controlled buy/walk operation on October 4, 2018. The cellular telephone warrant was not helpful to agents, as they were not able to activate the geo-location for the device prior to GUSTAMANTE fleeing to Mexico. Agents later discovered via crossing records that on October 5, 2018, GUSTAMANTE drove into Mexico in the same white truck that his associate had used to deliver the one (1) pound of methamphetamine to the undercover agent on October 4, 2018.

On February 21, 2019, your affiant debriefed a cooperating defendant (hereinafter CD), who was arrested on September 10, 2018, for possession with intent to distribute approximately 15,436 grams of methamphetamine and two (2) AR-15 rifles. The methamphetamine was field tested and it tested positive for methamphetamine. After being analyzed by the DEA Laboratory the net weight was 14,110 grams with 99% purity. According to the CD, he/she started collecting/receiving bulk currency loads in approximately June of 2018. The CD explained that he/she would pick-up different amounts from different individuals throughout the city of San Antonio. The CD explained that all these individuals were part of the GUSTAMANTE drug trafficking organization (DTO). The CD was shown a photographic lineup and he/she positively identified GUSTAMANTE as the person he/she knows as ROLA. The CD stated that he/she would pick-up bulk currency every three (3) to five (5) days. The CD said he/she would then deliver the currency to GUSTAMANTE at different locations throughout San Antonio, the last one, prior to his/her arrest, being at the Wal-Mart located off Rey Ellison and Loop 410. According to the CD, the last bulk currency delivery he/she made to GUSTAMANTE was approximately twenty thousand dollars (\$20,000.00) in U.S. Currency. The CD stated that when he/she first met GUSTAMANTE, GUSTAMANTE had a stash house off El Paso Street. The CD was able to describe vehicles which he/she knew to be utilized by GUSTAMANTE. The CD described a white in color Mitsubishi sedan, an orange in color Chevrolet Corvette, and a white in color Chevrolet Silverado with an extended cab that had damage in the bed area from a wreck. The white in color Chevrolet Silverado extended cab that had damage in the bed area from a wreck was the vehicle used on October 4, 2018, during the aforementioned the controlled buy/walk operation. The CD further explained that GUSTAMANTE was a close associate of the Mexican Source of Supply (SOS), and that GUSTAMANTE and the SOS were friends from school. To date, the source of supply has only been identified by an alias, CAT, in this investigation.

The CD stated that GUSTAMANTE knew all the clients/distributors for the SOS operating in the area of San Antonio, Texas. The CD stated that the 15 kilograms of methamphetamine, seized the day of his/her arrest, were given to him/her by GUSTAMANTE. According to the CD, GUSTAMANTE was moving his operation from one stash house to another, and needed a place to store the load of methamphetamine in the meantime. The CD explained that GUSTAMANTE was moving from the stash house located on El Paso Street to a stash house located by the Wal-Mart near Rey Ellison and Loop 410. The exact address of the house was later identified as 7114 Pandora Way, San Antonio, Texas.

The CD stated that after he/she collected the narcotics proceeds from his/her distributors, he/she would then deliver approximately fifteen thousand (\$15,000.00) to twenty thousand (\$20,000.00) dollars in U.S. Currency every three (3) to five (5) days to GUSTAMANTE. The CD said that

GUSTAMANTE was almost always with his cousin. MATA-Hernandez stated that many times when he/she had delivered the bulk currency (illicit proceeds), GUSTAMANTE and his cousin would be at the location together. The CD described the cousin as a heavy-set Hispanic male, known to him/her only as CHEF. The CD stated that GUSTAMANTE informed him/her that CHEF was the person who cooked the methamphetamine for his organization in the area of San Antonio, Texas.

Finally, on the night of his/her arrest, officers seized the phone belonging to the CD. The CD stated that he/she had stored the phone number for GUSTAMANTE, and there was a log of some of the calls between him/her and GUSTAMANTE. In the contact log retrieved from the CD's phone, the CD had GUSTAMANTE saved under ROLA. GUSTAMANTE's telephone number at the time of the CD's arrest was 210-685-3008.

The quantities of narcotics seized from Roland GUSTAMANTE are consistent with distribution amounts.

Based on the above facts, I believe there is probable cause that Roland GUSTAMANTE possessed with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(A)(viii) and 846 and Title 18 U.S.C., Section 1956.